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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,159	08/28/2003	Bradley D. Schweigert	KMC-596	7051
39915 7590 06/04/2007 KARSTEN MANUFACTURING CORPORATION LEGAL DEPARTMENT 2201 WEST DESERT COVE PHOENIX, AZ 85029			EXAMINER HUNTER, ALVIN A	
			ART UNIT 3711	PAPER NUMBER
			MAIL DATE 06/04/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/650,159

Applicant(s)

SCHWEIGERT, BRADLEY D.

Examiner

Alvin A. Hunter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 13-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 31-36 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There is no support for the term 'rotated'. For examination purposes, 'rotated' will be interpreted as --deformed--.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 31-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

See the above regarding 112, 1<sup>st</sup> paragraph. It is unclear as to what the term 'rotated' means.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13-36 are rejected under 35 U.S.C. 103(a) as obvious over Hamburger (USPN 6641487) in view of Currie et al. (US 2002/0193184), Johnson (USPN 5116054) and applicant's admission and Chuzo (JP 02-068080).

Regarding claims 13-20, 26, 27, and 29-36, Hamburger discloses a putter club head comprising a club head body having a heel, toe, striking face, and a body axis, a hosel including a leg portion having a predetermined lie angle where in the leg portion is configured to accept a shaft along a shaft axis wherein the shaft axis defines a lie angle with respect to the body axis (See Figure 1). Hamburger discloses that the structure of the club head made be made of any material such as metal or plastic in which metal is commonly known to undergo plastic deformation through bending and stretching. If in doubt, Currie discloses a fitting method for a custom made putter wherein the hosel is bent to accommodate the aiming tendencies of the user (See Paragraph 0109). Currie implies that the hosel is of a predetermined angle with respect to a perpendicular line before the bending occurs. One having ordinary skill in the art would have found it obvious to plastically deform the hosel, as taught by Currie et al., in order to accommodate the user's aiming tendencies. Johnson discloses a putter club head wherein the hosel is bent to hide the leg portion out of view of the user (See Column 3, lines 28 through 52 and the paragraph bridging columns 3 and 4). Johnson even discloses the top of the hosel being thicker than the lower parts of the hosel so as to place the hosel out of the user's view (See Column 6, lines 21 through 60). One having ordinary skill in the art would have found it obvious to have the hosel thicker at the top

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and thinner at the bottom in order to improve the user's aiming tendencies. In light of Currie, it would also be obvious to have the hosel of Johnson deformable to further adjust aiming tendencies being that Johnson already discloses leg being concealed. Johnson does not disclose the angle of the hosel, however, the angle shown by Johnson is disclosed as achieving the same goal as that of the applicant, which is to conceal the leg of the hosel for the user's view. One having ordinary skill in the art would have found it obvious to have the hosel of any angle So long as the leg is concealed from the user's view. Hamburger does not explicitly disclose the hosel having a boss. Applicant admits that it is common practice within the art to have a boss attached to the leg portion of a hosel to receive a shaft. One having ordinary skill in the art would have found it obvious to place a boss on the leg portion of Hamburger in order to facilitate attachment of a shaft. The term "capable" does not require the invention to carry out the intended use; only have the ability of carrying out the intended use in which Hamburger achieves. It also should be noted that the hosel is capable such that the body axis is parallel to a playing surface. It should also be noted that applicant notes in the paragraph bridging page 4 and 5 of the instant application that the leg is not limited to having a rectangular cross-section any does not discloses any reason for not having the cross-section of any other shape. Hamburger and Johnson both disclose the leg portion being cylindrical and Johnson discloses the leg portion being thinner than the point of shaft connection. One having ordinary skill in the art would have found it obvious to have the cross-section of any shape so long as it is concealed from the view of the user. Also, Chuzo disclose a putter having a hosel with a horizontal portion 2

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wherein the leg portion of the hosel is rectangular (See Abstract and Figure 3). One having ordinary skill in the art would have found it obvious to have a horizontal portion, as taught by Chuzo, in order to line up the golf club with the target. Also, hosels are known within the art to have different shapes, wherein a rectangular shaped hosels are also known as proven by Chuzo. The leg portion of the hosel of Chuzo supports the horizontal portion as well as inherently provides an aesthetic look to the club head. One having ordinary skill in the art would have found it obvious to have a rectangular leg portion, as taught by Chuzo, in order to support the horizontal portion of the hosel and to improve the aesthetics of the club head.

Regarding claim 21 and 28, Applicant does not disclose why it is critical for the boss and the leg portion to be unitary in order to attain the invention. The above combination teaches the leg portion of the hosel being bent, therefore, one would concluded that the head, boss, and leg portion may be of any structure (i.e. unitary or separated) so long as the leg portion is deformable such that the boss keeps the leg portion concealed.

Regarding claims 22 and 23, Applicant does not disclose why it is critical for the boss and the leg portion to be between the toe and heel rather than at the toe and heel in order to attain the invention. The combination above teaches the leg portion being deformable. Having the leg portion at any other location does not change the hosel from being deformable. One having skill in the art would have concluded that it would be obvious to have the leg portion at any location so long as it is deformable such that the boss conceals it.

Regarding claim 24, Hamburger discloses the leg portion being substantially straight.

Regarding claim 25, Applicant admits that hosels having bosses are common within the art. Further if the leg portion is to be concealed, some upper portion of the hosel has to be bigger in cross-section than the leg portion. Johnson already teaches the leg portion being concealed, thus one having ordinary skill in the art would draw from the above that the boss may be of any size so long as the leg is concealed.

Claims 37-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamburger in view of Currie et al. (US 2002/0193184), Johnson (USPN 5116054) applicant's admission, Chuzo (JP 02-068080), and (JP and Jackson (The Modern Guide to Golf Clubmaking)).

Regarding claims 37 and 42, Hamburger discloses a putter club head comprising a club head body having a heel, toe, striking face, and a body axis, a hosel including a leg portion having a predetermined lie angle where in the leg portion is configured to accept a shaft along a shaft axis wherein the shaft axis defines a lie angle with respect to the body axis (See Figure 1). Hamburger discloses that the structure of the club head made be made of any material such as metal or plastic in which metal is commonly known to undergo plastic deformation through bending and stretching. If in doubt, Currie discloses a fitting method for a custom made putter wherein the hosel is bent to accommodate the aiming tendencies of the user (See Paragraph 0109). Currie implies that the hosel is of a predetermined angle with respect to a perpendicular line before the bending occurs. One having ordinary skill in the art would have found it obvious to

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plastically deform the hosel, as taught by Currie et al., in order to accommodate the user's aiming tendencies. Johnson discloses a putter club head wherein the hosel is bent to hide the leg portion out of view of the user (See Column 3, lines 28 through 52 and the paragraph bridging columns 3 and 4). Johnson even discloses the top of the hosel being thicker than the lower parts of the hosel so as to place the hosel out of the user's view (See Column 6, lines 21 through 60). One having ordinary skill in the art would have found it obvious to have the hosel thicker at the top and thinner at the bottom in order to improve the user's aiming tendencies. In light of Currie, it would also be obvious to have the hosel of Johnson deformable to further adjust aiming tendencies being that Johnson already discloses leg being concealed. Johnson does not disclose the angle of the hosel, however, the angle shown by Johnson is disclosed as achieving the same goal as that of the applicant, which is to conceal the leg of the hosel for the user's view. One having ordinary skill in the art would have found it obvious to have the hosel of any angle So long as the leg is concealed from the user's view. Hamburger does not explicitly disclose the hosel having a boss. Applicant admits that it is common practice within the art to have a boss attached to the leg portion of a hosel to receive a shaft. One having ordinary skill in the art would have found it obvious to place a boss on the leg portion of Hamburger in order to facilitate attachment of a shaft. The term "capable" does not require the invention to carry out the intended use; only have the ability of carrying out the intended use in which Hamburger achieves. It also should be noted that the hosel is capable such that the body axis is parallel to a playing surface. It should also be noted that applicant notes in the paragraph bridging page 4 and 5 of the



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instant application that the leg is not limited to having a rectangular cross-section any does not disclose any reason for not having the cross-section of any other shape. Hamburger and Johnson both disclose the leg portion being cylindrical and Johnson discloses the leg portion being thinner than the point of shaft connection. One having ordinary skill in the art would have found it obvious to have the cross-section of any shape so long as it is concealed from the view of the user. Also, Chuzo disclose a putter having a hosel with a horizontal portion 2 wherein the leg portion of the hosel is rectangular (See Abstract and Figure 3). One having ordinary skill in the art would have found it obvious to have a horizontal portion, as taught by Chuzo, in order to line up the golf club with the target. Also, hosels are known within the art to have different shapes, wherein a rectangular shaped hosels are also known as proven by Chuzo. The leg portion of the hosel of Chuzo supports the horizontal portion as well as inherently provides an aesthetic look to the club head. One having ordinary skill in the art would have found it obvious to have a rectangular leg portion, as taught by Chuzo, in order to support the horizontal portion of the hosel and to improve the aesthetics of the club head. Also, Jackson disclose a method for customizing a golf club head comprising providing a golf club head including a club head body having a body axis wherein a shaft or shaft connecting portion is attached to the club head, determining a target lie angle, and adjusting the lie angle to the target lie angle by plastically deformation. Jackson does not explicitly disclose the club having a hosel constructed of a leg portion and boss portion. It should be noted that a forward slant is not necessary in order to

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deform the leg portion and, therefore, could be deformed having any predetermined angle with respect to the body axis.

Regarding claim 38-41, Jackson does not disclose a specific degree of lie angle change. The degree of the lie is a measurement that varies by user. One having ordinary skill in the art would have drawn from Jackson that the lie angle may be deformed to any angle degree so long as it fits the user's needs.

### ***Response to Arguments***

Applicant's arguments with respect to claims 13-42 have been considered but are moot in view of the new ground(s) of rejection.

The above combination still teaches the desirability of deforming the leg portion of the hosel.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

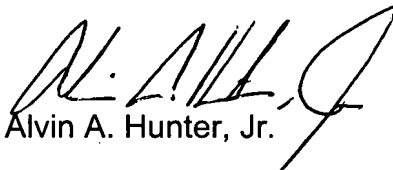
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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin A. Hunter whose telephone number is 571-272-4411. The examiner can normally be reached on Monday through Friday from 7:30AM to 4:00PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene Kim, can be reached on 571-272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alvin A. Hunter, Jr.



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SUPERVISORY PATENT EXAMINER